



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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 OLYMPIA, WA

JUN 30 2006

PUBLIC EMPLOYMENT
 RELATIONS COMMISSION

PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION

☐ Amended Petition in Case _____ - E - _____

Instructions: Other side of this form (page 2) Applicable Rules: Chapters 10-08, 391-08, and 391-25 WAC.

The petitioner claims that a question concerning representation exists involving certain employees of the employer named below.

1. EMPLOYER <u>City of Granger</u> CONTACT PERSON <u>Robert Perales, Police Chief</u> ADDRESS <u>102 Main Street</u> <u>P.O. Box 1100</u> CITY, STATE, ZIP <u>Granger, WA 98932</u> TELEPHONE <u>509-854-1725</u> ext. _____ FAX <u>509-854-2103</u> E-MAIL _____		ATTORNEY OR REPRESENTATIVE <u>Kirk A. Ehlis</u> ADDRESS <u>807 North 39th Avenue</u> CITY, STATE, ZIP <u>Yakima, WA 98902</u> TELEPHONE <u>509-575-0313</u> ext. _____ FAX _____ E-MAIL <u>kehlis@mibe.com</u>				
2. PETITIONER <u>City of Granger</u> CONTACT PERSON <u>Robert Perales, Police Chief</u> ADDRESS <u>102 Main Street</u> <u>P.O. Box 1100</u> CITY, STATE, ZIP <u>Granger, WA 98932</u> TELEPHONE <u>509-854-1725</u> ext. _____ FAX <u>509-854-2103</u> E-MAIL _____		ATTORNEY OR REPRESENTATIVE <u>Kirk A. Ehlis</u> ADDRESS <u>807 North 39th Avenue</u> CITY, STATE, ZIP <u>Yakima, WA 98902</u> TELEPHONE <u>509-575-0313</u> ext. _____ FAX _____ E-MAIL _____				
3. INCUMBENT BARGAINING REPRESENTATIVE <i>Indicate one.</i> <input type="checkbox"/> The employees involved are not currently represented for bargaining; OR <input checked="" type="checkbox"/> The employees involved are currently represented by the organization below: ORGANIZATION <u>Granger Police Uniformed Patrol Officers Guild</u> CONTACT PERSON <u>Robert Kampert, President</u> ADDRESS <u>121 Wingest Lane</u> CITY, STATE, ZIP <u>Selah, WA</u> TELEPHONE <u>509-854-2656</u> ext. _____ FAX _____ E-MAIL _____						
ATTORNEY OR REPRESENTATIVE <u>Mark Bunch</u> ADDRESS <u>Emmal Skalbania & Vinnedge</u> <u>4241 21st Avenue West</u> CITY, STATE, ZIP <u>Seattle, WA 98199-1271</u> TELEPHONE <u>206-281-1770</u> ext. _____ FAX <u>206-281-1772</u> E-MAIL <u>office@unionlaw.org</u>						
4. COLLECTIVE BARGAINING AGREEMENT <i>Indicate one.</i> <input checked="" type="checkbox"/> The parties have never had a contract; OR <input type="checkbox"/> A copy of the parties' current (or most recent) collective bargaining agreement is attached.						
5. SHOWING OF INTEREST <i>A petition filed by an organization or employees must be accompanied by a showing of interest indicating that the petitioner has the support of 30% or more of the employees in the bargaining unit.</i>						
6. BARGAINING UNIT <table border="1" style="width: 100%;"> <tr> <td>EMPLOYER'S PRINCIPAL BUSINESS <u>City Government</u></td> <td>DEPARTMENT OR DIVISION INVOLVED <u>Police</u></td> <td>NUMBER OF EMPLOYEES IN UNIT <u>6</u></td> </tr> </table> DESCRIPTION OF UNIT <i>Indicate inclusions, exclusions, contract page or case/decision number.</i> <u>N/A</u>				EMPLOYER'S PRINCIPAL BUSINESS <u>City Government</u>	DEPARTMENT OR DIVISION INVOLVED <u>Police</u>	NUMBER OF EMPLOYEES IN UNIT <u>6</u>
EMPLOYER'S PRINCIPAL BUSINESS <u>City Government</u>	DEPARTMENT OR DIVISION INVOLVED <u>Police</u>	NUMBER OF EMPLOYEES IN UNIT <u>6</u>				

7. DESIGNATION OF REQUEST *Indicate one.*

- ☐ **RECOGNITION REQUEST.** The petitioner requests certification as exclusive bargaining representative of the bargaining unit.
- ☐ **CHANGE OF REPRESENTATIVE.** The employees in the bargaining unit desire to designate the petitioner as their exclusive bargaining representative.
- ☒ **DECERTIFICATION.** The employees in the bargaining unit no longer desire to be represented by any employee organization.
- ☐ **EMPLOYER PETITION - DEMAND FOR RECOGNITION.** The employer has been presented with one or more demands for recognition (per attached documentation) and requests a determination by the Commission.
- ☒ **EMPLOYER PETITION - INCUMBENCY QUESTIONED.** The employer has a good faith belief (per attached documentation) that a majority of employees no longer desire representation by the Incumbent exclusive bargaining representative.

8. OTHER RELEVANT FACTS *Indicate, if applicable.*

- ☐ Additional information is set forth on separate sheets of paper attached to this petition

9. AUTHORIZED SIGNATURE FOR PETITIONER

PRINT NAME Kirk A. Ehlis TITLE Attorney for employer
 SIGNATURE [Signature] DATE June 30, 2006

STATEMENT OF FACTS

1. At all times material hereto, the Granger Police Department is and has been comprised of six (6) full time officers.

2. On June 29, 2005 the Public Employment Relations Commission certified the Granger Police Uniformed Patrol Officers Guild as the collective bargaining representative for the uniformed Officers of the Granger Police Department.

3. On April 11, 2006, pursuant to Guild Bylaws, the uniformed Officers of the Granger Police Department voted to dissolve the Granger Police Uniformed Patrol Officers Guild by a vote of five (5) to zero (0). The President of the Guild, Robert Kampert, abstained from the vote. Attorney for the Guild Mark Bunch was present at the time of the vote. It is reported by the Granger Police Officers present at this meeting to dissolve the Guild that Mr. Bunch indicated that he would submit a formal letter advising the employer and PERC of the dissolution of the Guild only if paid to do so. A true and correct copy of an April 12, 2006 letter from Officer Darold Johann to the Mayor of Granger describing the substance of the meeting to dissolve the Guild is attached as Exhibit "A" and is incorporated by this reference as if fully set forth herein.

4. On May 15, 2006 the Granger Police Officers that had voted to dissolve the Guild wrote another letter to the Mayor of Granger advising that no action had been taken by the attorneys for the Guild to dissolve the Guild in spite of the directive to do so. Furthermore, the letter indicates that the Granger Police Officers who had voted to dissolve the Guild perceive retaliation for voting to dissolve the Guild. A true and correct copy of the May 15, 2006 letter from the Granger Police Officers to the Mayor of Granger describing the vote to dissolve the Guild and the retaliation that has followed

their vote is attached as Exhibit "B" and is incorporated by this reference as if fully set forth herein.

5. Based on the attached documentation the Employer has a good faith belief that a majority of employees no longer desire representation by the incumbent exclusive bargaining representative. The desire of the majority of employees to disassociate themselves from the Guild is further demonstrated by the effort of the majority of employees in the bargaining unit to decertify the Guild through their own attempts by filing a Petition for Investigation of a Question Concerning Representation under PERC Case No. 20316-E-06-3141.

6. No contract or certification bar exists as no valid collective bargaining agreement has ever existed between the parties and more than twelve (12) months have elapsed since the certification of the Guild as the exclusive bargaining representative.

REMEDY REQUESTED

1. Findings of fact consistent with the foregoing;
2. An Order determining that the majority of employees in the bargaining unit no longer desire to be represented by any employee organization and that the Guild does not represent the majority of employees as bargaining representative;
3. An Order requiring the Guild President and Attorneys for the Guild to post formal notices in the local and regional newspapers informing the public that the employees in the bargaining unit no longer desire to be represented by any employee organization and that the Guild does not represent the majority of employees as bargaining representative;

4. An Order barring the Guild or any other employee organization from petitioning for recognition as exclusive bargaining representative of the uniformed Officers of the Granger Police Department for a period of not less than twelve (12) months;

5. An Order requiring that the City be reimbursed for its attorney's fees and costs by the Guild President and the Attorneys for the Guild given the clear evidence of the intent of the employees of the bargaining unit to disassociate themselves from the Guild, which intent has been ignored by the Guild President and Attorneys for the Guild; and

6. For such other and further relief as the Commission deems equitable and reasonable.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of June, 2006, she served the PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION via Email and causing the original to be sent via United States Mail, postage prepaid, addressed to:

Marvin L. Schurke
Public Employment Relations Commission
P.O. Box 40919
Olympia, WA 98504 – 0919
filing@perc.wa.gov

with true and correct copies served via United States Mail, postage prepaid, addressed to:

Robert Kampert, President
Granger Police Uniformed Patrol Officers Guild
121 Winquest Lane
Selah, WA 98942

Mark Bunch
Emmal Skalbania & Vinnedge
4241 – 21st Ave West
Seattle, WA 98199 – 1271
office@unionlaw.org

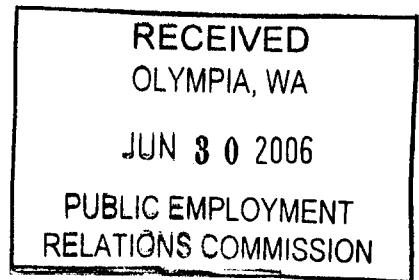
I declare under penalty of perjury under the laws of the State of Washington the above and foregoing is true and correct to the best of my knowledge.

Kathy Lyczewski



"Sandy Gilcher"
<sandra@mjbe.com>
06/30/2006 10:43 AM

To <filing@perc.wa.gov>
cc
bcc
Subject PERC Petition/City of Granger



Please file that attached PERC Petition for Investigation of Question Concerning Representation pertaining to City of Granger/Granger Police Department. Thank you for your assistance.

Sandy Gilcher
Legal Assistant to Kirk A. Ehlis
Menke Jackson Beyer Elofson Ehlis & Harper, LLP
807 North 39th Avenue
Yakima, WA 98902
509-575-0313
Fax: 509-575-0351
Email: sandra@mjbe.com

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